

# PARLIAMENTARY PROCEDURE

## I. INTRODUCTION

"American Parliamentary Law is built upon the principle that rights must be respected: rights of the majority, of the minority, of individuals, of absentees, and rights of all of these together." Henry M. Robert, Robert's Rules of Order.

Parliamentary procedure has a long history. It originated in the early English Parliaments for discussion of public affairs. It came to America with the first settlers and became uniform in 1876 when Henry M. Robert published his manual on parliamentary law. Today, parliamentary procedure is a set of rules for conducting meetings that allows everyone to be heard and for decisions to be made without confusion. Parliamentary procedure provides for democratic rule, flexibility, protection of rights, and a fair hearing for everyone. Organizations that use parliamentary procedure usually follow a fixed agenda. City councils in Texas are required to post a fixed meeting agenda at least 72 hours in advance **[Chapter 551, Government Code]**.

There are two classes of rules that govern meeting conduct. General rules are those that are commonly applicable in all deliberative assemblies. In the United States, the books of Henry M. Robert constitute the most widely recognized authority on parliamentary law. His Pocket Manual of Rules of Order for Deliberative Assemblies, first published in 1876, has been revised a number of times and is now available as Robert's Rules of Order Newly Revised (RONR), Tenth Edition. Since Robert's Rules is the most commonly used parliamentary authority in the United States, information in this section will be based upon the current edition of RONR. RONR is revised and published approximately every ten years. Special rules are those rules that have been composed for a particular purpose or by a particular organization. Special rules always supersede any general rules with which they may conflict. Therefore, when a question of procedure arises, special rules should be consulted first. In municipalities, special rules of meeting conduct might be found in a city charter, code of ordinances, council code of conduct or other document adopted by the city council. If special rules do not contain the answer to a question, then turn to the organization's officially adopted parliamentary authority for help.

Every governmental body has the inherent right to regulate its own proceedings subject to provisions of applicable law. The Texas Open Meetings Act **[Chapter 551, Government Code]** and home rule city charters provide the form, organization and some of the more fundamental rules of procedures for governing bodies. Always keep the provisions of the Texas Open Meetings Act regarding posting requirements, executive sessions, etc., in mind when conducting council meetings. The provisions of this State law would take precedence over parliamentary rule in RONR or procedural guidelines.

## II. BASIC PRINCIPLES OF PARLIAMENTARY PROCEDURE

There are ten "commandments" of parliamentary procedure:

- (1) The organization is paramount as opposed to the individual.
- (2) All members are equal.
- (3) A quorum must be present to take legal action.
- (4) Only one main proposition (motion) can be on the floor at a time.

- (5) Only one member at a time can have the floor.
- (6) Full debate on all questions (unless parliamentary rules do not allow debate on a question).
- (7) The issue and not the person is always what is under discussion.
- (8) A question, once decided, cannot come back before the assembly in the same manner in the same form except by use of reconsideration.
- (9) A majority vote decides (unless a greater majority is required by another rule).
- (10) Silence gives consent.

### III. **DECISION MAKING**

The basic principle of decision in a deliberative assembly is that, to become the act or choice of the body, a proposition must be adopted by a majority vote; that is, direct approval must be registered by more than half of the members present and voting on the particular matter, in a properly called meeting at which time the necessary minimum number of members, known as a quorum, is present.

The basic requirement for approval of an action or choice, except where special rules provide otherwise, is a majority vote (more than half). This means more than half of the votes cast by persons legally entitled to vote, excluding blanks and abstentions.

### IV. **PROCEDURE FOR MAKING A MOTION**

A motion is the means by which all business is introduced. The term motion means a formal proposal that certain action be taken. Business is introduced by a main motion. Eight steps are necessary to obtain action on a main motion:

#### **(1) Obtaining the floor:**

##### **Step 1:**

Addressing the chair (mayor, for the purposes of this chapter).

##### **Step 2:**

Assigning the floor (mayor recognizes councilmember).

#### **(2) Handling a motion:**

##### **Step 3:**

Making the motion (I move that....).

##### **Step 4:**

Seconding the motion (another councilmember seconds the motion).

##### **Step 5:**

Stating the motion (mayor states the motion).

##### **Step 6:**

Debating the question (mayor allows debate, with maker of motion speaking first in debate).

**Step 7:**

Putting the question (mayor takes the vote after debate is complete).

**Step 8:**

Announcing the result of the vote (mayor announces, for example, "The ayes have it and the motion is carried.")

The mayor should always ask for negative votes even if it appears unanimous in the affirmative. A tie vote is lost since a tie is not a majority. In cases where there seems to be no opposition to routine business or on questions of little importance, time can be saved by the procedure of general consent, "If there is no objection..." A question (motion) is pending when it has been stated by the chair (mayor) but not yet voted on. According to RONR, the chair's wording of a motion when it is put to a vote is the definitive version to be included in the minutes. The last motion stated by the chair is the first, or immediately, pending. The main motion is always voted on last. The paragraph below explains how to apply the Precedence of Motions (or chart of motions) to ranking motions. 🕒

**V. APPLYING THE PRECEDENCE OF MOTIONS**

The Precedence of Motions is a list of specific motions that indicate the priority of motions. To apply the Precedence of Motions to ranking motions, begin with number one, Main Motion.

While motions are being made, you move up the chart, like rungs on a ladder you are climbing. Any motion below the immediately pending motion is not in order. To dispose of pending motions, action is taken in order moving down the chart, like coming down a ladder, until the Main Motion is disposed of.

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**The Precedence of Motions, with the pending motions in bold. (EXHIBIT A)**

**\*\*RANKING MOTIONS** – These motions are listed in order of rank. When any one of these motions is immediately pending, those above it are in order and those below are not in order. **\*\***

**PRIVILEGED MOTIONS**

- 14. Fix time to why to adjourn
- 13. Adjourn
- 12. Recess
- 11. Raise a question of privilege
- 10. Call for orders of the day
- 9. Lay on the table

**SUBSIDIARY MOTIONS**

- 8. Previous question
- 7. Limit/extend limits of debate
- 6. Postpone to a certain time**
- 5. Commit or refer
- 4. Secondary amendment**
- 3. Primary amendment**
- 2. Postpone indefinitely
- 1. Main motion**

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## **VI. BASIC PRINCIPLES AFFECTING THE HANDLING OF A MOTION**

There are four basic principles affecting the handling of a motion:

- (1) Only one main motion can be pending at a time.
- (2) The same or substantially the same question cannot be considered twice during the same session.
- (3) If a main motion has been temporarily disposed of, the same or substantially the same question cannot be introduced again while it is still under the control of the council.
- (4) Once a motion has been adopted, the same question cannot be renewed unless the motion is rescinded or reconsidered. The conditions under which the motion to reconsider would be appropriate are very limited, and provisions of the Texas Open Meetings Act must be kept in mind. The motion to reconsider can be made only by a member who voted on the prevailing side on the original motion, and only on the day that the original motion was made. Because of the complexities of the motion to reconsider and open meetings concerns, it is not recommended for use by cities except in extremely unusual circumstances. Many motions cannot be reconsidered.

## **VII. MAIN CATEGORIES OF MOTIONS**

There are five main categories of motions:

### **(1) Main motions:**

- Introduce business before the assembly
- Original main motions - Introduce substantive questions to a new subject
- Incidental main motions - Incidental to or relating to business of the assembly or its past or future action

### **(2) Subsidiary motions:**

- Assist the assembly in treating or disposing of a main motion
- Always applied to another motion while it is pending
- Can be applied to any main motion
- Fit into order of precedence

**(3) Privileged motions:**

- Have to do with special matters of immediate and overriding importance that, without debate, should be allowed to interrupt the consideration of anything else

**(4) Incidental motions:**

- Relate, in different ways, to the pending business or to business otherwise at hand
- Relate to how the council does things
- No order of precedence

**(5) Motions that bring a question again before the assembly, for example:**

- Take from the table
- Reconsider
- Postpone to a certain time

## **VIII. AMENDING A MAIN MOTION**

RONR defines amend as "a motion to modify the wording - and within certain limits the meaning - of a pending motion before the pending motion itself is acted upon."

**(1) Characteristics of amendments:**

- Can be applied to any motion having a variable factor
- Is not in order when another has the floor
- Debatable when the main motion is debatable
- Majority vote at all times, even when main motion requires 2/3 vote
- Cannot stand by itself
- Only motion that may be applied to itself (primary and secondary)
- A member may amend his or her own motion
- Chair may be requested to or assist in wording of an amendment
- A member's vote on the amendment does not obligate their vote on the main motion

- Rejection of motion to amend leaves pending the motion as originally proposed
- The adoption of the amendment does not adopt the main motion

**(2) Forms of amendments:**

- Insert (add) a word, consecutive words or a paragraph
- Strike out a word, consecutive words or a paragraph
- Strike out and insert a combination of the above
- Substitute (must be germane)

**(3) Amendment pitfalls:**

- Allowed when another member has the floor
- Debate not confined to pending amendment
- A question already decided
- Tertiary amendments
- Not germane to main motion or primary amendment
- Equivalent to rejection of the main motion
- Dilatory
- New business introduced under the pretext of being an amendment
- Changing one parliamentary motion into another

The term friendly amendment is often used to describe an amendment offered by a member who is in sympathy with the purposes of the main motion or believes the amendment will improve the effect of the motion. Whether the maker of the motion accepts the friendly amendment or not, it must be opened to debate and voted on formally.

## **IX. RIGHTS IN DEBATE**

After being recognized by the presiding officer (mayor), a member may speak and continue speaking as long as he/she abides by the accepted rules of debate. According to RONR, these are:

- A member can speak no more than twice on the same question on the same day.

- No member can speak for a second time on an item so long as another is requesting recognition to speak for a first time on the same item.
- Each speech must be limited to ten minutes (many councils' rules of procedure dictate otherwise).
- The maker of a motion has the right to be the first to speak on it.
- All remarks must be limited to the merits of the subject immediately before the council.
- All remarks must be addressed to and through the chair (mayor).
- Personal remarks should be avoided and motives of members must not be questioned; the item, not the person, is the subject of debate.
- Members are seldom referred to by names; officers are referred to by their titles.
- A member may not speak against his/her own motion; however, he/she may vote against it.
- Rights in regard to debate are not transferable.
- A two-thirds vote is required to close debate.

**The following are debatable:**

- Main motions
- The subsidiary motions to postpone indefinitely, amend, commit, postpone to a certain time
- Incidental motions to appeal, request to be excused from a duty
- Motion to rescind/amend something previously adopted
- Discharge a committee
- Reconsider (a debatable main motion)

**The following are not debatable:**

- Subsidiary motions to limit or extend limits of debate, previous question, lay on the table
- All privileged motions
- Incidental motions with exception of two noted above
- Motions that bring a question again before the assembly, take from the table, reconsider (an undebatable main motion)
- Nominations

## **X. COMMONLY MISUSED MOTIONS**

The motion to lay on the table (to table) is the most commonly misused motion. There are other options to bring about the action (or lack thereof) desired by a board. These include the motions to *postpone indefinitely* and to *postpone to a certain time*.

The subsidiary motion to postpone indefinitely is a motion that the assembly declines to take a position on the main motion. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question. It is useful in disposing of a badly chosen main motion that cannot be either adopted or expressly rejected without possible undesirable consequences. If the motion to postpone indefinitely fails, the chair (mayor) immediately states the question on the main motion. The council could use this motion when the desired result is that the item not appear on a future agenda.

The subsidiary motion to postpone to a certain time is the motion by which action on a pending question can be put off, within limits, to a definite day, meeting, or time, or until after a certain event. This motion can be moved regardless of the amount of debate there has been on the motion it proposes to postpone. It takes precedence over the motion to postpone indefinitely. This motion would be useful if the council wishes to postpone action on an agenda item until the next meeting, a particular meeting, or until a certain event has occurred; (i.e., a consultant's report has been received).

The motion to lay on the table (to table) is commonly misused in place of the motions to postpone indefinitely and to postpone to a certain time. By adopting the motion to lay on the table, a majority has the power to halt consideration of a question immediately without debate. If there is a reason to lay the main motion aside temporarily without setting a time for its consideration, but with the provision that it can be taken up again whenever a majority so decides, this can be proposed by the motion to lay on the table. The motion to take from the table is closely related to the motion to lay on the table. After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and whenever no question is pending. **(Keep posting requirements of the Texas Open Meetings Act in mind, as this law requires all agenda items to be posted at least 72 hours in advance.)**

## **XI. NOMINATIONS**

Mayors and council members should be familiar with the various methods of nomination to address the appointment of individuals to boards, committees and commissions. Although RONR outlines several methods for handling nominations, some would not be allowable under the Texas Open Meetings Act. Methods that councils could use to make nominations would include:

### **(1) Nominations by the Chair (Mayor)**

- Mayors routinely appoint ad hoc committees to address specific situations. Typically, the council would be requested to confirm the appointments.



## **(2) Nominations from the Floor**

- In the case of a municipality, the meeting agenda would reflect that this item would be considered. Council members would submit names for consideration. No second is required in order for the nomination to be considered. The chair (mayor) should repeat the name of each candidate and ask for further nominations. When all nominations for one office seem to have been made, the chair may declare nominations closed and call for nominations for the next office. Nominations may also be closed by the adoption of a motion to close nominations. This motion is not in order when another member is seeking the floor to make a nomination. This motion requires a second, is not debatable or amendable, and requires a two-thirds vote. Ordinarily, a member is expected to make only one nomination for a given office. However, the privilege of making additional nominations can be allowed after every other member who desires to do so has had the opportunity to name a candidate and if no motion to close nominations had been adopted. Nominations from the floor are made after the report from a nominating committee, if any.

## **(3) Nominations by a Committee**

- Members of a nominating committee are selected in advance of the election for which they are to name candidates. The nominating committee should be named by the entire assembly (council). The nominating committee should consider each prospective candidate's qualifications fairly and impartially. The report of the committee is prepared by the committee chair and is typically signed by all concurring committee members. The committee is automatically discharged once its report has been presented to the council. For municipalities, this item would appear on the council's posted agenda. After the committee has made its report, the chair (mayor) would call for further nominations from the floor (council).
- Most councils use nominations from the floor as the method by which board and committee members are nominated. Whichever method your council uses, it is advisable to provide information to the council members on the proper procedure.

## **XII. SUMMARY**

Parliamentary procedure can be a valuable tool for councils to use in conducting city business in a timely, orderly, democratic manner. When in doubt, remember that parliamentary procedure has often been described as an application of the "Golden Rule" with common sense and courtesy.

### **XIII. PARLIAMENTARY TERMS**

- 1) **AGENDA:** an outline plan of an entire business session; an order of business.
- 2) **ACCEPT:** adopt, approve, agree to.
- 3) **ADOPT:** approve, agree to, accept.
- 4) **AMEND:** modify or change the wording of a motion before action is taken upon the motion itself.
- 5) **ANNOUNCING THE VOTE:** declaration by the chair of the result of the vote.
- 6) **ASSEMBLY:** A body of people assembled for the transaction of business.
- 7) **ARE YOU READY FOR THE QUESTION:** debate (discussion) is in order.
- 8) **BYLAWS:** basic rules of a society which relate to itself as an organization.
- 9) **CARRIED:** adopted, approved.
- 10) **CHAIR:** the presiding officer; the place or station of the presiding officer.
- 11) **DIVISION OF THE ASSEMBLY:** a motion requiring that a vote taken by voice or y show of hands be retaken by rising.
- 12) **EX OFFICIO:** “from the office” or by virtue of the office or chairmanship. Bylaws frequently provide that the president shall be an ex-officio member of all committees except the nominating committee.
- 13) **FLOOR, OBTAIN THE:** securing recognition by the chair as having the right to speak in a meeting.
- 14) **GENERAL CONSENT:** Unanimous consent; informal agreement of the assembly. The chair asks is any objection to a certain procedure; *silence gives consent*.
- 15) **GERMANE:** Closely related; of the same subject matter. Example: an amendment must be germane to the motion to which it is applied.
- 16) **IMMEDIATELY PENDING QUESTION:** the latest question (motion) stated by the chair when more than one question is pending.
- 17) **INCIDENTAL MOTIONS:** motions which deal with questions of procedure arising out of other motions or items of business.
- 18) **MAIN MOTION:** a motion that introduces business to an assembly.
- 19) **MAJORITY VOTE:** over half of the votes *cast*.
- 20) **MEETING:** a single gathering of persons or members of an organization, usually for the purpose of transacting business. See session.

- 21) **MINUTES:** the record of the proceedings of an assembly. Sometimes referred to as the *journal*.
- 22) **MOTION:** a formal proposal that certain action be taken, or that a certain statement express the sense, opinion, desire, or will of the assembly.
- 23) **PARLIAMENTARY LAW:** a consistent system of rules which govern procedure in all deliberative assemblies; founded upon certain fundamental principles originated in the unwritten customs of the House of Parliament in England; first compiled for use in this country by Thomas Jefferson, whose manual has been the foundation for rules used in the United States House of Representatives and Senate.
- 24) **PENDING:** before the assembly. A motion is "pending" after it has been stated by the chair and until it is disposed of temporarily or permanently.
- 25) **PLURALITY VOTE:** the largest number of votes received by a candidate or proposition when three or more choices are possible. A plurality vote never decides a question or election except by specific rule of the organization.
- 26) **PRECEDENCE, TAKES:** outranks; used in reference to the order in which motions can be introduced and must be considered by the assembly.
- 27) **PREVIOUS NOTICE:** announcement that a specific motion will be introduced at the next meeting; substance of the proposal should be described at least briefly; unless specified otherwise in the bylaws, must be made at the preceding meeting or included in the call of the meeting at which it is to be brought up.
- 28) **PRIVILEGED MOTIONS:** a class of motions which, although they are not directly concerned with the business before the assembly, are of such immediate importance that they have the privilege of interrupting the consideration of anything else. All motions of this class are not debatable.
- 29) **PRO TEM:** for the time being; most frequently applies to the office of secretary.
- 30) **PUTTING THE QUESTION:** putting the motion to a vote.
- 31) **QUESTION:** the business before the assembly; the motion as stated by the chair. (See "motion.")
- 32) **QUORUM:** the number of members who must be present in order that business can be transacted legally. The quorum is a majority of all members unless bylaws or rules of procedure state otherwise.
- 33) **RECESS:** an intermission taken by the assembly.
- 34) **RESOLUTION:** a main motion usually of such importance and length as to be written; may or may not have a preamble setting forth the reasons for the resolution.

- 35) **REVISION OF THE BYLAWS:** a complete set of bylaws submitted as a substitute for existing bylaws.
- 36) **RONR:** acronym for Robert's Rules of Order Newly Revised.
- 37) **SECONDARY MOTIONS:** motions which can be made while a main motion is pending and which relate to business already before the assembly, to questions of order or procedure, or to matters of comfort or privilege. There are three classes of secondary motions: subsidiary, privileged, and incidental.
- 38) **SECONDDING MOTIONS:** agreeing that a motion should come before a meeting.
- 39) **SESSION:** a meeting or a series of meetings with a single order of business, agenda, or program.
- 40) **STANDING RULES:** regulations for the guidance of an organization's meetings
- 41) **STATING THE QUESTION:** formally placing a motion before the assembly and indicating (where appropriate) that it is open to debate. Wording of a motion in the minutes should be exactly the same as when stated by the chair.
- 42) **SUBSIDIARY MOTIONS:** Motions that assist the assembly in treating or disposing of a main motion (and sometimes other motions).
- 43) **TWO-THIRDS VOTE:** two out of three of the votes cast. For two-thirds approval, the affirmative vote is at least twice as large as the negative.
- 44) **UNFINISHED BUSINESS:** questions that have come over from the previous meeting because that meeting adjourned without completing its order of business.
- 45) **VOTE:** a formal expression of the will, opinion, or preference of the members of an assembly in regard to a matter submitted to it.
- 46) **YIELD:** give way to. A pending question yields to one of higher rank.

#### **XIV. PARLIAMENTARY REVIEW QUESTIONS -- WHAT MOTION WOULD YOU USE?**

##### **1. To introduce a subject to the assembly?**

A: Main Motion

##### **2. To keep the organization to the adopted order of business?**

A: Call for the Orders of the Day

##### **3. To defer action to another meeting?**

A: Postpone to a Certain Time

##### **4. To stop debate and force the vote on the pending question?**

A: Previous Question

**5. To change the motion?**

A: Amend

**6. To regulate the privileges of debate?**

A: Limit or Extend Limits of Debate

**7. To prevent a vote and keep the action off the records?**

A: Object to Consideration or Withdraw

**8. To determine the correctness of the vote announced by the Chair?**

A: Division of the Assembly

**9. To enforce the rules?**

A: Point of Order

**10. To obtain a new vote on a question that has been voted on?**

A: Reconsider

**11. To avoid voting on two or more independent questions at a time?**

A: Division of the Question

**12. To avoid irrelevant or contentious questions?**

A: Object to Consideration

**13. To provide for an intermission not arranged for on the program or order of business?**

A: Recess

**14. To bring before the assembly again a question that has been laid on the table?**

A: Take From the Table

**15. To perfect and harmonize all paragraphs of a resolution or bylaws before voting?**

A: Consider by Paragraph or Seriatim

**16. To kill a motion?**

A: Postpone Indefinitely

**17. To have the question investigated before voting on it?**

A: Commit or Refer

**18. To reverse the decision of the Chair?**

A: Appeal

**19. To halt consideration of the question immediately without debate?**

A: Lay on the Table

**20. To interrupt pending business to state an urgent request or motion when a pressing situation is affecting the rights or privileges of a member?**

A: Raise a Question of Privilege

**PRECEDENCE OF MOTIONS\*\*****Basic Information on Motions****RANKING MOTIONS**

These motions are listed in order of rank. When any one of these motions is immediately pending, those above it are in order and those below are not in order.

**PRINCIPAL CHARACTERISTICS**

	Second Required	Can Be Debated	Can Be Amended	Vote Required	Can Be Reconsidered	Can Interrupt
<b>PRIVILEGED MOTIONS</b>						
13. Fix Time to Which to Adjourn .....	yes	no	yes	maj	yes	no
12. Adjourn .....	yes	no	no	maj	no	no
11. Recess .....	yes	no	yes	maj	no	no
10. Raise a Question of Privilege .....	no	no	no	X*	no	yes
9. Call for the Orders of the Day .....	no	no	no	X*	no	yes
<b>SUBSIDIARY MOTIONS</b>						
8. Lay on the Table .....	yes	no	no	maj	no	no
7. Previous Question (to close debate) .....	yes	no	no	2/3	yes*	no
6. Limit or Extend Limits of Debate .....	yes	no	yes	2/3	yes*	no
5. Postpone to a Certain Time .....	yes	yes	yes	maj	yes	no
4. Commit (or Refer) .....	yes	yes	yes	maj	yes*	no
3. Amend .....	yes	=	yes*	maj	yes	no
2. Postpone Indefinitely .....	yes	yes	no	maj	+	no
1. <b>MAIN MOTION</b> .....	yes	yes	yes	maj*	yes	no

**NON-RANKING MOTIONS**

Whether these motions are in order depends upon the business already under consideration and what purpose they may serve when introduced.

**INCIDENTAL MOTIONS**

Appeal .....	yes	*	no	maj	yes	yes
Close Nominations or the Polls .....	yes	no	yes	2/3	no	no
Consider by Paragraph or Seriatim .....	yes	no	yes	maj	no	no
Division of the Assembly .....	no	no	no	no	no	yes
Division of a Question .....	yes	no	yes	maj	no	no
Objection to Consideration of a Question .....	no	no	no	2/3	#	yes*
Parliamentary Inquiry .....	no	no	no	Chair	no	yes
Point of Order .....	no	no	no	Chair	no	yes
Reopen Nominations or the Polls .....	yes	no	yes	maj	#	no
Suspend the Rules* .....	yes	no	no	2/3*	no	no
Withdraw a Motion .....	no*	no	no	maj*	#	yes*

**MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE ASSEMBLY**

Reconsider .....	yes	=	no	maj	no	no
Rescind .....	yes	yes	yes	*	#	no
Take from the Table .....	yes	no	no	maj	no	no

**Key to Markings**

\* - See *Robert's Rules of Order Newly Revised* for special rules. # - Only a negative vote may be reconsidered.

X - Usually no vote taken. Chair responds.

= - Debatable when applied to a debateable motion. See *Robert's Rules of Order Newly Revised*.

+ - Only an affirmative vote may be reconsidered.

\*\**Robert's Rules of Order Newly Revised*, 10<sup>th</sup> Edition